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Magistrate Judge James P. Donohue

APR 22 2014

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff

v.

NATHAN BRASFIELD,

Defendant.

NO.

MJ 14-163

COMPLAINT FOR VIOLATION

18 U.S.C. § 922(g)(1)

BEFORE, James P. Donohue, United States Magistrate Judge, U. S. Courthouse,
Seattle, Washington.

The undersigned complainant being duly sworn states:

COUNT 1

(Felon in Possession of a Firearm)

On or about April 22, 2014, in Lake Forest Park, within the Western District of
Washington, the defendant, NATHAN BRASFIELD after having been convicted of the
following crimes punishable by imprisonment for a term exceeding one year, to wit:

Possession of Stolen Property in the First Degree, in the Superior Court of
Washington for King County, cause number 01-C-01700-8SEA, on or about May 31,
2011;

COMPLAINT/BRASFIELD - 1

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1 Domestic Terrorism Squad on the Joint Terrorism Task Force, which investigates
2 criminal violations relating to incidents of both domestic and international terrorism.

3 3. The facts set forth in this Affidavit are based on my own personal
4 knowledge; information obtained from other individuals during my participation in this
5 investigation, including other law enforcement officers; interviews of cooperating
6 witnesses; review of documents and records related to this investigation; communications
7 with others who have personal knowledge of the events and circumstances described
8 herein; and information gained through my training and experience.

9 4. Because this Affidavit is submitted for the limited purpose of establishing
10 probable cause in support of a criminal complaint, it does not set forth each and every
11 fact that I, or others, have learned during the course of this investigation.

12 **SUMMARY OF PROBABLE CAUSE**

13 **A. NATHAN BRASFIELD's Background**

14 5. I have reviewed the criminal history for NATHAN BRASFIELD. He has
15 seven felony convictions: possession of stolen property (2011); possession of stolen
16 property (2011); theft of telecommunication services (2003); possession of stolen
17 property (2003); taking motor vehicle without permission (2000); taking motor vehicle
18 without permission (2000); and possession of stolen property (1999). All of these
19 convictions occurred in the State of Washington. I have obtained certified copies of his
20 convictions.

21 **B. BRASFIELD's Contact with a Confidential Source**

22 6. In July 2012, a confidential source (the "CS") reported that he had met with
23 BRASFIELD.¹ The CS said that BRASFIELD had removed a lunch bag from
24 BRASFIELD's truck, which the CS described as being a four-door truck with a camper
25 on the back containing a hatchback. The CS said that BRASFIELD removed from the
26

27
28 ¹ The source has prior assault and multiple gross misdemeanor convictions.
COMPLAINT/BRASFIELD - 3

1 bag a metal square tool and "metal assembly." BRASFIELD said that the metal piece
2 was a "trigger assembly" for a firearm.

3 7. The CS said that he/she met with BRASFIELD and another witness later in
4 July 2012. During their meeting, BRASFIELD said, "I want to show you something
5 cool." BRASFIELD then reached into the trunk of the car he was driving, which the CS
6 described as being a silver Mercedes sedan. BRASFIELD displayed two long guns that
7 had been concealed by several items of clothing. One of the weapons was partially
8 disassembled. The other one appeared to be intact. BRASFIELD showed the CS a
9 magazine that appeared to be fully loaded with ammunition. According to the CS,
10 BRASFIELD inserted the loaded magazine into the intact long gun. The CS described
11 the ammunition as brass-colored and long. The CS observed two different magazines in
12 the trunk of the Mercedes sedan that day. One was curved and the other was straight.
13 According to the CS, BRASFIELD said that they were for the two different weapons in
14 the trunk. BRASFIELD said that he had modified the intact weapon to allow it to fire in
15 both semi-automatic and fully-automatic modes. BRASFIELD specifically showed the
16 CS the square portion of the firearm that BRASFIELD claimed to have modified.
17 According to the CS, BRASFIELD also demonstrated how the intact weapon had a
18 collapsible stock.

19 8. The CS has experience with air rifles and was confident that both of the
20 weapons in BRASFIELD's trunk were not air rifles. Specifically, the CS noted that the
21 assembly and ammunition were totally different than the air rifles and associated pellets
22 commonly associated with air rifles.

23 9. According to the CS, BRASFIELD acknowledged to the CS that it is illegal
24 for him to handle or possess weapons and ammunition as a convicted felon.
25 BRASFIELD stated that he that did not believe the government had the authority to
26 restrict his access to weapons under the Second Amendment. BRASFIELD asked the CS
27 to go shooting at an outdoor location to demonstrate the modifications BRASFIELD had
28 made to the weapons to include shooting them in fully-automatic mode.

COMPLAINT/BRASFIELD - 4

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1 10. The CS reported that he met with BRASFIELD again in August 2012.
2 According to the CS, BRASFIELD stated that he wanted to go to a friend's expansive,
3 rural property in Snohomish County, Washington, to shoot his weapons. BRASFIELD
4 specifically mentioned wanting to use the privacy of the friend's property to freely shoot
5 his weapons in fully-automatic mode. During this same discussion, BRASFIELD
6 offered to acquire weapons for the CS. BRASFIELD said he would sell the CS pistols or
7 rifles, but that he intended to keep the two long guns he had shown the CS for himself.

8 11. According to the CS, he/she spoke with BRASFIELD again on December
9 10, 2012. BRASFIELD stated that he had recently shot his weapons with a male friend
10 who had a sizeable property in the area of Kitsap, Washington. BRASFIELD indicated
11 that he had shot with this friend on his property "all the time" because he couldn't shoot
12 at the range, given that he could not legally possess firearms or ammunition.

13 12. On February 6, 2013, the CS met with BRASFIELD at BRASFIELD's
14 then-residence, in Kenmore, Washington. The CS was wearing an audio and video
15 recording device during the encounter. The CS reported that a red Dodge pick-up truck
16 was parked in the driveway in front of the residence upon their arrival. Within the first
17 three minutes of the CS entering the residence, BRASFIELD stated: "Did I ever tell you,
18 did I ever show you my, my, my baby?" BRASFIELD removed what appeared to be a
19 rifle with a flat top railing and collapsible stock from a closet near the residence's entry
20 and showed it to the CS. The CS believed it was the same intact long gun BRASFIELD
21 had removed from his Mercedes trunk in July 2012. While holding the gun,
22 BRASFIELD told the CS: "You'll notice this has three positions, and it works in all three
23 positions, green tipped penetrators." When the CS inquired as to what BRASFIELD
24 meant by the penetrators, BRASFIELD explained, "Steel core. Basically those ... armor
25 piercing."

26 13. BRASFIELD also acknowledged that he was violating firearms regulations
27 in possessing this specific weapon stating, "Not only is it an SBR [Short Barreled Rifle]
28 like legally the barrel should be out to about here. This thing is compact enough that if I

1 had a shorter mag in it, this is a forty round mag, I could totally conceal that under a
2 coat." BRASFIELD showed the CS how this weapon had a collapsible stock and stated,
3 "No, no you can't, you can't have, you cannot have SBRs, you can't have anything fully
4 automatic." BRASFIELD explained: "That's my home defense weapon. If, uh, you
5 know, if somebody's gonna break in here, out in the middle of nowhere here. They're not
6 gonna find the body."

7 14. In this same meeting, BRASFIELD stated, "Okay the right of the people to
8 keep and bear arms shall not be infringed, shall not. It means, it can't be done... I still
9 have the legal right to possess and bear firearms, guaranteed to me by the Constitution no
10 matter what the fucking government says about it ...unless you're gonna try and make
11 the case that I'm not a person." BRASFIELD described how to skirt the laws prohibiting
12 felons from purchasing weapons stating, "Don't buy it [weapons] through a retail
13 channel. Buy it from a private party." BRASFIELD also stated he had "homemade
14 suppressors" as well as "frangible ammunition that is not gonna leave any fucking
15 marks." During this same meeting, BRASFIELD again asked whether the CS was
16 interested in purchasing a firearm, stating, "So actually the reason I asked about pistols is
17 that I do have an extra Glock 17."² BRASFIELD described how this pistol had the
18 original barrel as well as an extended threaded barrel and "pretty much as many
19 magazines as you want for it." BRASFIELD showed the CS what appeared to be a black
20 handgun during the meeting on this date, indicating that it was the Glock, model 17, he
21 was offering to sell him/her. BRASFIELD said that the pistol was able to hold
22 "seventeen rounds, nine millimeters of stopping power, yeah...and the best part about
23 it...nobody knows I have this." BRASFIELD had pulled this pistol from a dark-colored
24 bag the CS had observed on the floor of BRASFIELD's bedroom. BRASFIELD told the
25
26

27 ² FBI Special Agent Kera O'Reilly spoke with a representative from Glock, who confirmed that a Glock firearm
28 would have been manufactured outside the State of Washington. Moreover, I know, based on my training and
experience, that the vast majority of firearms are manufactured outside the State of Washington.

1 CS he was interested in selling this pistol because he didn't need to own all four
2 handguns he currently possessed.

3 15. During this same meeting, BRASFIELD showed the CS a rifle he said he'd
4 modified to allow a blue-colored oil can to screw onto the barrel. BRASFIELD
5 explained that the oil can operated as a silencer. BRASFIELD stored this rifle in a duffle
6 bag in his bedroom.

7 16. On April 30, 2013, the CS telephoned BRASFIELD. The conversation was
8 recorded with the consent of the CS. BRASFIELD told the CS he'd purchased "military
9 door breeching shotgun rounds" through an internet website recently. BRASFIELD said
10 they were being sold for \$50 for a box of twenty-five rounds and that he'd purchased
11 forty-three boxes. When the CS asked BRASFIELD if BRASFIELD could get "in
12 trouble" for purchasing ammunition through the internet, BRASFIELD explained the
13 internet system was not set up to check if a purchaser of ammunition was a convicted
14 felon. He further acknowledged that seeing and being able to purchase this type of
15 ammunition was unusual stating, "You don't, you don't see stuff like that in that
16 market... I mean not ya know, not from a legitimate, not from a legitimate store at least."

17 17. The CS advised agents that in August 2013, BRASFIELD was involved in
18 a serious motorcycle accident. BRASFIELD told the CS that he had moved out of his
19 Kenmore residence to stay with his parents for several months to recuperate.

20 18. In September 2013, the CS said that BRASFIELD was extremely
21 concerned that law enforcement was investigating him and that he suspected that his
22 former business partner was the source of those problems. Later that month, the CS
23 reported statements made by a neighbor at BRASFIELD's Kenmore residence. The
24 neighbor said that BRASFIELD's former business partner was observed removing a
25 number of items from BRASFIELD's Kenmore residence while he was in the hospital
26 following his motorcycle accident. The neighbor said that the business partner removed
27 the items without BRASFIELD's consent or knowledge, and that the business partner did
28 so because he believed that BRASFIELD owed him money.

COMPLAINT/BRASFIELD - 7

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1 **C. BRASFIELD's Continued Possession of Firearms**

2 19. On April 4, 2014, the Lake Forest Police Department advised me that
3 BRASFIELD's ex-girlfriend had contacted them about BRASFIELD. She said that
4 BRASFIELD was operating an illegal marijuana grow operation from the basement of his
5 current residence. She also said that her son--who spends time with BRASFIELD at his
6 residence--had seen several guns inside the residence as well.

7 20. On April 8, 2014, I spoke with BRASFIELD's ex-girlfriend. She said that
8 her four-year-old son had told her that there were guns inside BRASFIELD's residence.
9 Her son had said that BRASFIELD had rules for the guns inside his home, and instructed
10 her son never to touch any of the guns or to point them at anyone. The son said that
11 BRASFIELD kept his guns inside a box located on the floor of his bedroom closet. She
12 said that her son relayed this information to her within the last month or two.³

13 21. On April 15, 2014, I contacted BRASFIELD's ex-girlfriend to arrange a
14 forensic interview with her son regarding the information he provided to her about
15 firearms in BRASFIELD's home. After discussing the nature and extent of the interview,
16 BRASFIELD's ex-girlfriend declined to participate. She said she was already conflicted
17 about her cooperation with law enforcement against BRASFIELD, and did not want her
18 son involved any more than he needed to be in the investigation. She said that she was
19 terrified of BRASFIELD and what he would eventually do to her once he learned about
20 the information she provided. She was willing to continue to assist the investigation, but
21 felt that she would be exposing her son to further harm by having him participate in a
22 forensic interview against his father.

23 **D. Search of BRASFIELD's Home**

24 22. On April 22, 2014, the FBI executed a search warrant at BRASFIELD's
25 current residence in Lake Forest Park.
26

27 ³ BRASFIELD's ex-girlfriend reported that he had threatened her on several occasions, and that BRASFIELD had
28 exposed her son to toxic chemicals. BRASFIELD and his ex-girlfriend are believed to have had other current
disputes, including about child custody.

1 23. Agents located the three firearms mentioned in the charging language of
2 this complaint. Agents located all three of the firearms on the top-shelf of the closet
3 located in the hallway of the second floor of the house. Agents located a rifle scope in
4 BRASFIELD's room, as well as flash suppressers underneath his bed. Agents also
5 located a United States Postal Service box in the living room with the name "Nathan" on
6 it. Agents located multiple boxes of ammunition within this box. BRASFIELD was
7 interviewed after being advised of his *Miranda* rights. He denied possessing the
8 firearms.

9 24. Two other individuals were in the residence at the time of the search. One
10 of the individuals was the subject of an outstanding Washington State Department of
11 Corrections ("DOC") warrant. BRASFIELD said he knew this individual was wanted,
12 and that he was staying with him. BRASFIELD said he encouraged the individual to turn
13 himself in to authorities. The other individual in the residence was the girlfriend of the
14 individual who was the subject of the DOC warrant. Agents located a Springfield .40
15 caliber pistol on the shelf in the closet of the bedroom where the individual who was the
16 subject of the warrant appeared to be staying.

17 25. FBI Special Agent Dennis O'Dell, who has expertise in firearms, examined
18 the three firearms described in the charging language of the complaint. All three firearms
19 were stamped with markings indicating where the firearms were manufactured.
20 Specifically, the markings indicated that the Vector Arms .223 rifle was manufactured in
21 Utah, the Glock 17, 9 millimeter pistol in Georgia, and the FN Herstal, 5.7 x 28 handgun
22 in Virginia. Thus, there is probable cause to believe that all three firearms traveled in
23 interstate commerce.

24 26. Finally, Special Agent O'Dell examined the Vector Arms .223 rifle and it
25 appears to constitute a short-barreled rifle under federal law. The firearm will be further
26 examined by the Bureau of Alcohol, Tobacco, and Firearms ("ATF").
27
28

CONCLUSION

27. Based on the foregoing, I respectfully submit that there is probable cause to believe that NATHAN BRASFIELD committed the crime of Felon in Possession of a Firearm, in violation of Title 18, United States Code, Section 922(g)(1).



Michael Baldino, Complainant,
Special Agent, FBI

Based on the Complaint and Affidavit sworn to before me, and subscribed in my presence, the Court hereby finds that there is probable cause to believe the Defendant committed the offense set forth in the Complaint.

Dated this 22nd day of April, 2014.



THE HONORABLE James P. Donohue
United States Magistrate Judge